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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,057	12/11/2003	Gysbert Van Setten		9172

7590

09/20/2005

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EXAMINER

KASZTEJNA, MATTHEW JOHN

ART UNIT	PAPER NUMBER
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3739

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/734,057	Applicant(s) SETTEN, GYSBERT VAN	
	Examiner Matthew J. Kasztejna	Art Unit 3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to because nowhere are the drawings referred to within the detailed description of the invention. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 4 objected to because of the following informalities: the recited claim should read "light emitting means" not "light emitting mean". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,630,809 to Connor.

In regards to claims 1-2, 4, 6-9 and 18-19, Connor discloses a method for visualizing the lens and/or anterior lens capsule of a subject, comprising introducing a means 1 for emitting light into the lens of the subject's eye, wherein light emitted by the light emitting means 13 illuminates the lens and/or anterior lens capsule of the eye by light scattering and reflection. Connor teaches a device useful for providing illumination of target tissues during surgical procedures such as cataract extraction wherein a small incision is made in the outer periphery of the cornea through which the light emitting means is directed at an angle not coaxial to the optical axis of the eye, as is well known in the art (see Fig. 5 and Col. 4, Lines 23-55).

In regards to claim 3, Connor discloses a method for visualizing the lens and/or anterior lens capsule of a subject, wherein the emitted light has an angle of dispersion between about 0 degrees and about 20 degrees, thereby achieving a higher local scattering of the emitted light in the lens (see Col. 37-45).

In regards to claim 5, Connor discloses a method for visualizing the lens and/or anterior lens capsule of a subject, wherein the light emitted by the light emitting means is laser light (see Col. 4, Lines 42-44).

In regards to claims 10-11, Connor discloses a method for visualizing the lens and/or anterior lens capsule of a subject, wherein the light transporter is an optical fiber 44 (see Fig. 3).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 12-17 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,367,480 to Coroneo.

In regards to claim 12-17, Coroneo discloses a method for visualization of the lens and/or the anterior lens capsule of the eye during a capsulorhexis procedure, comprising introducing a viscoelastic substance into the anterior chamber of the eye, inserting a means for emitting light into the lens of the subject's eye, wherein light emitted by the light emitting means illuminates the lens and/or anterior lens capsule of the eye by light scattering and reflection, and creating a capsulorhexis within the eye. Furthermore, Coroneo discloses a method wherein viscoelastic substances of differing viscosities are introduced into the eye, wherein a less viscous substance is introduced over the lens capsule, and wherein a more viscous substance is introduced at the pupil margin of the eye so as to enhance visibility of the edge of the capsulorhexis and

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wherein viscoelastic substances of differing viscosities are introduced into the eye, wherein a more viscous substance is introduced over the lens capsule and at the pupil margin of the eye so as to enhance visibility of the edge of the capsulorhexis (see Col. 3, Lines 1-30, and Col. 4, Line 32 – Col. 5, Line 56).

Conclusion

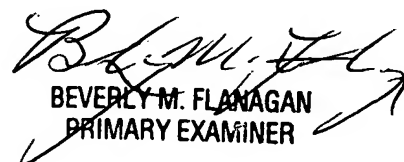
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kasztejna whose telephone number is (571) 272-6086. The examiner can normally be reached on Mon-Fri, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJK *pnt*

913/05


BEVERLY M. FLANAGAN
PRIMARY EXAMINER